

January 6, 2022

DELIVERY BY E-MAIL

Maine Land Use Planning Commission
c/o Karen E. Bolstridge, Environmental Specialist III
Maine Department of Agriculture, Conservation & Forestry
106 Hogan Road, Suite 8
Bangor, ME 04401

**Re: Rising Tide Towers, LLC; DP 5050-B Telecommunications Facility Proposal
—Request to Reopen Administrative Record**

Dear Karen:

As you know, on December 2, 2021, the FAA issued a no-hazard determination letter for the 190-foot alternative tower option presented by Rising Tide Towers, LLC (“Rising Tide”), which requires the tower to be constructed with FAA hazard lighting. Rising Tide requested that the Commission table its deliberations and decision on DP 5050-B. Thereafter, we met with LUPC staff to discuss a process and timeline that would allow the FAA determination and any related analysis and documents to be entered into the administrative record.

In follow-up to that discussion, we respectfully request that the Chair of the Commission reopen the record in the matter of DP 5050-B, pursuant to Section 5.10(C) of the Commission’s Chapter 5, *Rules for the Conduct of Public Hearings*,¹ in order to allow Rising Tide to make a supplemental filing no later than January 31, 2022 containing the FAA determination and related analysis, as well as an amended lease agreement, and to establish a time period for accepting additional public comment and rebuttal comment on Rising Tide’s supplemental filing.

Sincerely,

/s/ *Aga Dixon*

Agnieszka A. Dixon

cc: Stacie R. Beyer (via e-mail)
Ben Godsoe (via e-mail)

¹ Chapter 5 was amended on November 1, 2021, to *inter alia* allow a reopening of the record by the Presiding Officer, rather than by a vote of the Commission. Because this rule amendment is a procedural rule that does not affect Rising Tide’s vested or substantive rights, it may be applied to LUPC’s review of DP 5050-B even though the application was deemed complete for processing before the effective date of this rule amendment. *See generally* 16B Am. Jur. 2d Constitutional Law §§ 744, 745.